CLASSIFICATION OFFICE DECISION

Title of publication:	Kml012.jpg
Other known title(s):	Not stated
OFLC ref:	1601036.009
Medium:	Computer Image File
Publisher:	Not stated
Country of origin:	Not stated
Language:	Not applicable
Applicant:	Secretary for Internal Affairs
Classification:	Objectionable except if the availability of the publication is restricted to persons who have attained the age of 18 years.
Descriptive note:	None
Display conditions:	None
Date of entry in Register:	16 February 2017
Date of direction to issue a label:	No direction to issue a label has been issued
Date of notice of decision:	16 February 2017

Summary of reasons for decision:

The computer image file consists of multiple images taken from a video recording, which explicitly depict sexual activity between a young woman and two men. The Classification Office has considered whether the file promotes or supports, or tends to promote or support, the exploitation of children or young persons for sexual purposes in terms of s3(2)(a) of the Films, Videos, and Publications Classification Act 1993, and concluded that it does not. The young woman appears to be either aged in her later teens or early twenties, but in any case does not present as a young person to a degree necessary to meet the threshold of this criteria. The explicitly depicted sexual activity is likely to have been taken with the express purpose of sexually arousing the viewer. There is potential for harm in exposing children and teenagers to explicit sexual material before they are developmentally ready, as it may negatively affect their development of sexual attitudes and behaviours. A mature understanding of sexual matters is required to contextualise the images. The computer image file is therefore restricted to adults. While this restriction limits the right to freedom of expression afforded by the New Zealand Bill of Rights Act 1990, it is considered reasonable and demonstrably justifiable in the interest of preventing likely injury to the public good.